

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL T. McLAUGHLIN,

Plaintiff

Case No. 2:21-cv-00002-RFB-BNW

ORDER

v.

NDOC INFIRMARY, *et al.*

Defendants

I. DISCUSSION

On January 6, 2021, this Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action within thirty days from the date of the order. (ECF No. 3). Thereafter, on January 11, 2021, this Court ordered Plaintiff to also file a complaint with the Court on or before February 5, 2021. (ECF No. 4). On January 21, 2021, Plaintiff filed a motion for extension of time to file his fully complete application to proceed *in forma pauperis*. (ECF No. 6).

The Court grants Plaintiff's motion for an extension of time at ECF No. 6. Plaintiff shall file a complaint and a fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee on or before **March 8, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Plaintiff is unable to file a complaint and a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing fee on or before **March 8, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is either able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three documents needed to submit with an application to proceed *in forma*

1 *pauperis*. Alternatively, Plaintiff may choose not to file an application to *proceed in forma*
2 *pauperis* and instead pay the full filing fee of \$402 on or before **March 8, 2021**.

3 With respect to Plaintiff's application to appeal *in forma pauperis* at ECF No. 5, it
4 is unclear to the Court whether Plaintiff is attempting to file an appeal, whether he is
5 seeking *in forma pauperis status* from the court of appeals, or whether he is submitting
6 this form as part of his *in forma pauperis* application to the Court. If Plaintiff is seeking *in*
7 *forma pauperis* status in this Court, he must use the approved form.

8 **II. CONCLUSION**

9 For the foregoing reasons, IT IS ORDERED that Plaintiff's motion for extension of
10 time (ECF No. 6) is granted.

11 IT IS FURTHER ORDERED that Plaintiff's application to appeal *in forma pauperis*
12 (ECF No. 5) is denied without prejudice.

13 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court on
14 or before **March 8, 2021**.

15 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
16 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
17 Clerk of the Court will also send Plaintiff a copy of his motion for temporary restraining
18 order at ECF No. 1-1.

19 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
20 approved form application to proceed *in forma pauperis* by an inmate, as well as the
21 document entitled information and instructions for filing an *in forma pauperis* application.

22 IT IS FURTHER ORDERED that on or before **March 8, 2021**, Plaintiff will either
23 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
24 administrative fee) or file with the Court:

25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
26 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
27 signatures on page 3),

28 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail

1 official (i.e. page 4 of this Court's approved form), and

2 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
3 **previous six-month period.**

4 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully
5 complete application to proceed *in forma pauperis* with all three documents or pay the full
6 \$402 filing fee for a civil action on or before **March 8, 2021**, this case will be subject to
7 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
8 number, when Plaintiff is able to file a complaint and has all three documents needed to
9 file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

10 DATED: January 22, 2021.

11 
12 UNITED STATES MAGISTRATE JUDGE